

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7466**

**BILL NUMBER:** HB 1639

**NOTE PREPARED:** Feb 25, 2009

**BILL AMENDED:** Feb 23, 2009

**SUBJECT:** Move Over or Slow Down for Utility Vehicles.

**FIRST AUTHOR:** Rep. Clements

**FIRST SPONSOR:** Sen. Boots

**BILL STATUS:** As Passed House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) The bill provides that a person who operates a motor vehicle approaching a stationary utility service vehicle displaying alternately flashing amber lights must yield the right of way by making a lane change or reducing the motor vehicle's speed on certain highways if two warning signs, and in certain circumstances at least one flagman, are at the worksite.

It provides that the failure to move over or slow down when approaching a stationary utility service vehicle under these circumstances is a Class A infraction that may also result in the loss of driving privileges.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** For the Bureau of Motor Vehicles (BMV), the suspensions of driving privileges will be handled within current procedures with no additional fiscal impact.

**Explanation of State Revenues:** (Revised) There are no data available to indicate how many offenders will be found in violation of failing to yield to a stationary service vehicle, a Class A infraction. If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class A infraction is \$10,000, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping

fee (\$7), judicial salaries fee (\$18), the public defense administration fee (\$3), the court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

If a criminal action, infraction or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

(Revised) Background: Other offenses concerning failing to yield to an emergency vehicle include failing to yield to a stationary authorized emergency vehicle, a stationary recovery vehicle, and a stationary highway maintenance vehicle. On average between 2003 and 2007, there were 1,150 citations a year for failing to yield to an emergency vehicle. Of those, 1,138 either pled or were found guilty.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Karen Firestone, 317-234-2106.